CABINET FOR HUMAN RESOURCES
COMMONWEALTH OF KENTUCKY
FRANKFORT 40621

DCSE Manual Transmittal
Letter No. 405
November 1, 1995

DEPARTMENT FOR SOCIAL INSURANCE
"An Equal Opportunity Employer M/F/D"

TO: Staff, Division of Child Support Enforcement

SUBJECT: Issuance of Notice to Enroll Dependent Child in Health
           Insurance Plan (Form CS-51) and Procedural Instructions

           Revised Advance Notice of Withholding of Earnings (Form
           CS-42), Withholding of Earnings Decision (Form CS-43),
           Administrative Enforcement Fact Sheet (Form CS-87),
           Order to Withhold Earnings (Form CS-89), Change in
           Order to Withhold Earnings (Form CS-90), and Procedural
           Instructions

The forms and procedural instructions listed above have either
been created or revised to incorporate changes made to Kentucky
Revised Statutes 403.211, 403.213, 405.465 and 405.467 by House
Bill No. 472 which became effective July 15, 1994.

These statutes were revised to require judicial and
administrative orders which are being established or modified to
require either or both parents, regardless of who has physical
custody, to provide health insurance coverage for their
child(ren) if coverage is reasonable and available to the parent
at the time the order is entered. If health insurance coverage
is not reasonable and available at the time the order is entered,
the parent(s) must be ordered to obtain coverage when it becomes
reasonable and available.

The Cabinet for Human Resources (CHR) is required to enforce
medical support orders for IV-D cases being administered by CHR.
This means that if an absent parent is ordered to provide health
insurance coverage for his or her child(ren) and a health
insurance plan is available through the parent's employment but
the parent does not enroll the child(ren) in a health care plan,
action must be taken to enforce the medical support order.

To administratively enforce an order to provide health insurance
coverage, CHR is required to serve an order to withhold earnings
on the absent parent's employer. The order must require the
employer to enroll the child(ren) in a health care plan which is
available to the absent parent and to withhold from the absent
parent's wages the parent's share (if any) of the health
insurance premium. The employer also must send the withheld
premium to the health insurance provider.

parent whether withholding will occur for medical support as well
as child support. General procedures for the form have been
revised to include that a copy of the CS-43 is sent with the
Notice to Enroll Dependent Child in Health Insurance Plan (Form
CS-51) and the Order to Withhold Earnings (Form CS-89) when
withholding for the parent's share of the health insurance
premium is to occur.

The CS-87 has been revised to include the use of wage withholding
to administratively enforce a medical support order when an
absent parent has been ordered to provide health care coverage
for a child(ren). Information about the denial or suspension of
a delinquent absent parent's driver's license has also been added
to the fact sheet as an administrative enforcement tool which may
be used.

Procedural instructions for the CS-87 were revised to state that
the CS-87 is generated on KASES. Instructions were also changed
to include that a CS-87 and a Your Rights to a Dispute Hearing
pamphlet (PAM CS-82) are both sent with a Notice of Intent to
Request Denial or Suspension of Driver's License (Form CS-44).

The CS-89 has been revised to include withholding of earnings for
payment of an absent parent's share of a health insurance
premium. The CS-89 advises the employer that earnings which are
withheld for the employee-paid share of a health insurance
premium must be paid directly to the health insurer by the
employer. An item to check if the child support arrearage is 12
weeks or more past due has been added to the CS-89. The CS-89
has also been revised to inform the employer that withheld wages
may be transmitted by the Electronic Funds Transfer (EFT)
process. The KRS cite which defines "disposable income" has been
corrected. The previous KRS cite defined "gross income" rather
than "disposable income."

Procedural instructions for the CS-89 have been changed to show
that a CS-89 is generated on KASES. The purpose of the form has
been revised to reflect that a CS-89 is used to order the
withholding of earnings for the employee-paid share of a health
insurance premium. General procedures for the form have been
changed to include that a service of process record is
automatically created by KASES when a CS-89 is generated.

Detailed procedures for the CS-89 have also been revised to
provide the current formula (25% of the current support
obligation) that is used for determining the amount to be
withheld for an arrearage when the order does not state a
specified arrearage payment.

in the Create Event field, a MAIL event is created. KASES Handbook Subsection 5.010 provides instructions for creating a MAIL message.

As a result of this policy change, space previously provided on the CS-90 to direct current and past-due support to the client has been deleted from the form.

If a judicial wage withholding order is in effect, the case is referred to the contracting official for modification of the wage withholding order. The contracting official is advised that the client has requested that IV-D services be discontinued. Consequently, DCSE requests that the order be modified as follows: (1) Make CHR payee only for wages withheld for AFDC arrearages. (2) Make the client payee for any wages withheld for current support and/or non-AFDC arrearage. The non-AFDC arrearage is to be deleted from the system and the NPA1A subaccount extension is to be closed as described on page 4.

Also, due to this policy change, if an administrative wage withholding order is in effect, a CS-90 is completed when a child is removed from a IV-D case and becomes non-IV-D. A CS-90 is completed to end withholding of that child's portion of current support. Consequently, space on the CS-90 which was previously used to direct wages withheld for the non-IV-D child's portion of current support to the child's custodian has been removed.

If a judicial wage withholding order is in effect, the case is referred to the contracting official for modification of the wage withholding order. DCSE requests that the wage withholding order be modified to make CHR payee for wages withheld for only those children's portion of current support who continue to receive IV-D services. CHR is not to be payee for wages withheld for the non-IV-D child's portion of current support.
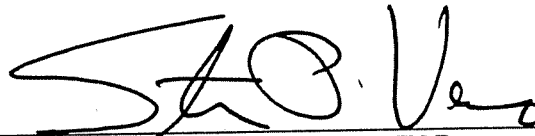
The CS-90 has been revised to order an employer to enroll a child in a parent's health care plan and withhold the parent's share of the health insurance premium if a CS-89 is already in place. If a CS-90 is being completed due to a change in the amount to be withheld for current and/or past-due child support, the CS-90 has been revised to inform an employer that because of the change in the amount to be withheld for current and/or past-due child support, the employer must redetermine whether the employee's share of a health insurance premium can be withheld based on CCPA limits.

In addition, the CS-90 has been revised to inform the employer that withheld wages may be transmitted by EFT. Also, the KRS cite which defines "disposable income" has been corrected. The

on KASES for on-line generation. Consequently, manual completion
of the CS-36 is no longer necessary.

The Child Support Manual of Forms is to be updated according to
the following instructions.

STEVEN P. VENO, DIRECTOR
DIVISION OF CHILD SUPPORT ENFORCEMENT

Instructions for Manual Maintenance

Remove	Insert
Table of Contents, pages 1 through 4 (9/1/95)	Table of Contents, pages 1 through 4 (11/1/95)
Delinquency Letter (Form CS-36) (Rev. 3/86) and Procedural Instructions (3/11/86)	
Advance Notice of Withholding of Earnings (Form CS-42) (Rev. 7/94) and Procedural Instructions (7/1/94)	Advance Notice of Withholding of Earnings (Form CS-42) (Rev. 11/95) and Procedural Instructions (11/1/95)
Withholding of Earnings Decision (Form CS-43) (Rev. 12/86) and Procedural Instructions (12/1/86)	Withholding of Earnings Decision (Form CS-43) (Rev. 11/95) and Procedural Instructions (11/1/95)
Administrative Enforcement Fact Sheet (Form CS-87) (Rev.7/94) and Procedural Instructions (7/16/91)	Administrative Enforcement Fact Sheet (Form CS-87) (Rev. 11/95) and Procedural Instructions (11/1/95)
Order to Withhold Earnings (Form CS-89) (Rev. 7/94) and Procedural Instructions (7/1/94)	Order to Withhold Earnings (Form CS-89) (Rev. 11/95) and Procedural Instructions (11/1/95)
Change in Order to Withhold Earnings (Form CS-90) (Rev. 7/94) and Procedural Instructions (7/1/94)	Change in Order to Withhold Earnings (Form CS-90) (Rev. 11/1/95) and Procedural Instructions (11/1/95)